

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THOMAS R. McLEAN, M.D., and)
THIRD MILLENNIUM CONSULTANTS,)
LLC.,)
)
Plaintiffs,)
)
v.) Case No. 20-0593-CV-W-BP
)
MARGARET BRUCE, as Personal)
Representative for the Estate of Jeffrey)
Bruce,)
)
Defendant.)

ORDER GRANTING IN PART MOTION TO SUBSTITUTE AND FOR HEARING

On May 24, 2022, Plaintiff Thomas McLean (“McLean”) filed a Suggestion of Death, indicating that that the only remaining Defendant, Jeffrey Bruce (“Bruce”) passed away. (Doc. 202.) Now pending is McLean’s motion to substitute Bruce’s personal representative as a Defendant and set a hearing. The motion, (Doc. 216), is granted in part.

“If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative.” FED. R. CIV. P. 25(a)(1). The Cass County Circuit Court recently appointed Bruce’s widow, Margaret Bruce, as the personal representative for Bruce’s estate. Therefore, McLean’s motion is granted to the extent it seeks to substitute her (in her capacity as the personal representative) as the defendant. However, McLean does not explain why a hearing is necessary and the Court discerns no need for a hearing at this time.

The Court thus **ORDERS** as follows:

1. Margaret Bruce, as the Personal Representative for the estate of Jeffrey Bruce, is substituted as the Defendant in the place of Jeffrey Bruce,
2. The Clerk of Court is directed to terminate Jeffrey Bruce as a party and add “Margaret Bruce, as the Personal Representative for the estate of Jeffrey Bruce” as a Defendant,
3. The parties are to discuss a proposed schedule for the resumption of proceedings in this case so the stay can be lifted, and shall file their proposal on or before February 22, 2023, and
4. The Clerk of Court shall mail copies of this Order to:

Margaret Bruce
2000 East 195th Street
Belton, MO 64012

April McLaughlin
100 South Independence Street
Harrisonville, MO 64701

IT IS SO ORDERED.

DATE: January 6, 2023

/s/ Beth Phillips
BETH PHILLIPS, CHIEF JUDGE
UNITED STATES DISTRICT COURT